

Appn. Serial No. 09/732,128
Amendment Dated February 22, 2006
Reply to Office Action Mailed December 22, 2005

REMARKS

In the Office Action dated December 22, 2005, claims 1-18, 33-38, and 41 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter; and claims 1-42 were rejected under § 103 over U.S. Patent No. 6,771,639 (Holden) alone.

SUMMARY OF TELEPHONIC INTERVIEW

In a telephonic interview on February 22, 2006, between the undersigned and the Examiner, the § 101 rejection of claim 1 and the § 103 rejection of the claims were discussed.

The Examiner indicated that he will consider the “processor-implemented” language of claim 1 in overcoming the § 101 rejection.

Also, the Applicant pointed out that Holden has been disqualified as prior art under 35 U.S.C. § 103(c). The Examiner indicated that since the § 103 rejection has been overcome, and if the § 101 rejection can be resolved, this application would be ready for allowance.

REJECTIONS UNDER 35 U.S.C. § 101

The Examiner suggested replacing “method” with “computer-implemented method” in claim 1. Applicant respectfully submits that “processor-implemented method” is more appropriate, and thus claim 1 has been amended accordingly. Adding “processor-implemented” before “method” clearly indicates that the method is *not* “mentally performed by hand with papers and pencils,” as stated by the Examiner. Withdrawal of the § 101 rejection of claims 1-18 is requested.

The Examiner stated that the § 101 rejection of claims 33-38 and 41 can be overcome by deleting the paragraph spanning pages 16-17 relating to data signals and carrier waves. Applicant has done so. Therefore, withdrawal of the § 101 rejection of claims 33-38 and 41 is respectfully requested.

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REJECTIONS UNDER 35 U.S.C. § 103

The present Office Action repeated the § 103 rejection of the claims over Holden. However, the Office Action did not address Applicant's arguments that Holden is disqualified as prior art under 35 U.S.C. § 103(c).

The present application and Holden, were at the time the invention of the present application was made, owned by or subject to an obligation of assignment to the same person (Nortel Networks Limited).

Therefore Holden has been disqualified as prior art pursuant to § 103(c). Withdrawal of the § 103 rejection is respectfully requested.

Allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 20-1504 (NRT.0081US).

Respectfully submitted,

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